

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JUAN CARLOS CALDERON,
Plaintiff,
v.
ROB BONTA,
Defendant.

No. 2:23cv01064-WBS-KJN P
Ninth Circuit No. 23-2515
ORDER

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After the court adopted the Magistrate Judge's Findings and Recommendations and dismissed the case, plaintiff appealed. (See Docket Nos. 12, 16, 18.) The Ninth Circuit has now referred the matter back to this court "for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith" under 28 U.S.C. § 1915(a)(3) and Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002). (Docket No. 23.)

For the reasons discussed in the Magistrate Judge's Findings and Recommendations, the court finds that plaintiff's

1 appeal is frivolous. As noted by the Magistrate Judge, plaintiff
2 raises claims that are "vague and conclusory and largely
3 unbelievable." (See Docket No. 12 at 3.) As one example,
4 plaintiff alleges that defendant Bonta and Does 1-25 subjected
5 him to illegal surgeries against his will for the purpose of
6 implanting a chip to monitor his brain activities. (Docket No. 9
7 at 4.) While some of plaintiff's claims are somewhat more
8 believable, he still has not alleged how defendant Bonta or the
9 Doe defendants are linked to any of the alleged violations of his
10 rights, or when, where, or by whom these violations occurred.
11 (See Docket 12 at 3.)

12 In light of the deficiencies identified by the
13 Magistrate Judge, which plaintiff wholly failed to address in his
14 amended complaint, the court finds that plaintiff's appeal is
15 frivolous and is not taken in good faith. Accordingly,
16 plaintiff's in forma pauperis status is hereby REVOKED. See
17 Hooker, 302 F.3d at 1092. The Clerk of Court shall promptly
18 notify the Ninth Circuit and the parties of this determination
19 and order.

20 IT IS SO ORDERED.

21 Dated: October 24, 2023



22 WILLIAM B. SHUBB
23 UNITED STATES DISTRICT JUDGE
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